

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated May 22, 2009, having a shortened statutory period for response set to expire on June 22, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claim 35 has been withdrawn by the Examiner and has been cancelled by the Applicant without prejudice. Applicant reserves the right to file divisional applications to continue prosecution of the cancelled subject matter. After entry of this amendment, claims 18, 21-24, 26-28, 30-34, and 36-38 are pending in the application.

Claims 18, 21-24, 26-28, 30-34, and 36-38 are subject to an election/restriction requirement.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 18, 21-24, 26-28, 30-34 and 36-38, drawn to a method of making an effector library, classified in class 506, subclass 30.
- II. Claim 35, drawn to a method of making knockout mammalian cells, classified in class 435, subclass 455+.

The Examiner asserts that the claims of Group I and Group II are drawn to related methods for the following reasons: the inventions are distinct if it can be shown that either: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. The Examiner concludes that the inventions as claimed have a materially different design, mode of operation, function, of effect.

Applicant elects Group I, claims 18, 21-24, 26-28, 30-34 and 36-38, without traverse.

The Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. The Examiner states that claims 26, 27, 36, and 37 are generic. The Applicant is further required to elect a single, specific species from each of the following species A-D for elected Group I.

For Group A, the Examiner has required the election of a single, specific species of method steps for performing the method of making an effector library; the Examiner refers to claims 26, 27-28, and 36-38. Applicant elects, without traverse, the species of claim 27. Applicant notes that the claims shall only be limited to this elected species if no generic claim is finally held allowable. Claims 27 and 28 encompass the elected species.

For Group B, the Examiner has required the election of a single, specific species of viral expression vectors; the Examiner refers to claims 21-22 and 32. Applicant elects, without traverse, the species of claim 22. Applicant notes that the claims shall only be limited to this elected species if no generic claim is finally held allowable. Claims 21 and 22 encompass the elected species.

For Group C, the Examiner has required the election of a single specific species of length of sense, antisense, and loop sequences; the Examiner refers to claims 24, 30, 34, and 36-37. Applicant elects, without traverse, the species of claim 36. Applicant notes that the claims shall only be limited to this elected species if no generic claim is finally held allowable. Claim 36 encompasses the elected species.

For Group D, the Examiner has required the election of a single specific species of nucleic acid sequence; the Examiner refers to claims 24, 26, 27, 30, 34, and 36. Applicant elects, without traverse, claim 34. Applicant notes that the claims shall only be limited to this elected species if no generic claim is finally held allowable. Claims 26, 33, 34, and 35 encompass the elected species.

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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